

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

GUY RICHMOND

:

Plaintiff

:

v

:

Civil Action No. WMN-06-627

MARYLAND DEPARTMENT OF  
CORRECTION,  
MCTC WARDEN, and  
THE STATE OF MARYLAND

:

:

:

Defendants

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**MEMORANDUM**

In the above-captioned civil rights case, filed March 10, 2006, it is alleged that Plaintiff is not receiving proper medical care for his medical conditions. Paper No. 1. Plaintiff asserts in part that this court's dismissal of a previous lawsuit caused his pneumonia to go untreated which led to an elevation of his blood sugar levels, causing his current diabetic condition. *Id.* To the extent that Plaintiff raises, allegations that were the subject of previous claims that were dismissed on summary judgment, those claims must be dismissed because they are barred by *res judicata*.

The only proper defendant named in the complaint is the Warden of MCTC. The Maryland Department of Correction and the State of Maryland are not persons amenable to suit under 42 U.S.C. § 1983. In light of Plaintiff's pro se status, he will be provided an opportunity to amend the complaint to include the names of other persons whom he believes are responsible for the failure to provide him with proper medical care.

Plaintiff's affidavit in support of his motion to proceed in forma pauperis fails to conform with 28 U.S.C. § 1915(a)(2) (as amended, April 26, 1996), which requires submission of

“a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined.”<sup>1</sup> This information is necessary for the computation of any applicable initial partial filing fee as required by 28 U.S.C. §1915(b)(1).

In order to assist Plaintiff in providing this information, the Finance Officer at the Maryland Correctional Training Center shall be directed to file a certificate which indicates (1) the average monthly balance in Plaintiff's account for the 6-month period immediately preceding the filing of this complaint and (2) the average monthly deposits to Plaintiff's account during the past six months.

A separate Order follows.

/s/

4/24/06  
Date

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William M. Nickerson  
Senior United States District Judge

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<sup>1</sup>Thus, Plaintiff must obtain from each of the prisons where he was incarcerated over the past six months an inmate account information sheet showing the deposits to his account and monthly balances maintained therein.